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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

7 JOSHUA S. CASEY,

8 Plaintiff,

9 v.

10 COMMISSIONER OF SOCIAL SECURITY,

11 Defendant.

Case No. C20-5594 RSM

**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING AND  
RENOTING CONSIDERATION  
DATE**

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13 This matter comes before the Court on Plaintiff's complaint seeking review of the  
14 Commissioner's denial of his application for disability insurance benefits. Dkt. # 3. Plaintiff  
15 argues the administrative law judge ("ALJ") erred by dismissing his claim for failure to timely  
16 file a request for a hearing, or show good cause why the request was untimely. *See* Pl. Op. Br.  
17 (Dkt. # 27), p. 1.

18 The parties' dispute centers on whether and when Plaintiff received a notice of the  
19 reconsideration determination of his claim. The ALJ determined Plaintiff's claim was denied  
20 "upon reconsideration on June 10, 2019." AR 7. The ALJ determined Plaintiff did not timely  
21 file a written request for a hearing because his request was not filed until September 30, 2019.  
22 *Id.* The ALJ found Plaintiff failed to establish good cause for missing the deadline to request a  
23 hearing because Plaintiff's "current address in the file is the same as the address the notice of

1 reconsideration determination was mailed to,” and “[t]here is no returned mail in the file.” AR 8.  
2 The record before the Court does not contain the notice of reconsideration determination,  
3 Plaintiff’s written request for a hearing, or the file documenting Plaintiff’s address or the address  
4 to which the notice was mailed. *See* AR 1–15.

5 The Court therefore requests supplemental briefing addressing whether the ALJ’s order  
6 of dismissal is supported by substantial evidence in the record in the absence of the documents  
7 underlying the ALJ’s decision, and, if not, what the scope of remand should be. Plaintiff and  
8 Defendant may each file a supplemental brief of no more than six pages no later than June 4,  
9 2021. Plaintiff and Defendant may each file a supplemental response of no more than six pages  
10 no later than June 18, 2021. The Clerk shall renote consideration of this matter for June 18,  
11 2021.

12 **IT IS SO ORDERED.**

13 DATED this 20<sup>th</sup> day of May, 2021.

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16 RICARDO S. MARTINEZ  
17 CHIEF UNITED STATES DISTRICT JUDGE  
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